

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 3:12CR134-HEH
)	
JOSHUA J. McGAHAN,)	
)	
Defendant.)	

STATEMENT OF FACTS

The United States and the defendant agree that the factual allegations contained in this Statement of Facts and in Count One of the Criminal Information are true and correct, and that the United States could have proven them beyond a reasonable doubt.

1. On or about April 19, 2012, in the Eastern District of Virginia, defendant, JOSHUA J. McGAHAN, did knowingly, unlawfully, and intentionally, possess with the intent to distribute 10 grams or more of a mixture and substance containing a detectable amount of lysergic acid diethylamide, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(v).

2. On April 19, 2012, Virginia State Police Trooper Zane Grey executed a traffic stop for speeding on a vehicle being operated by McGAHAN. McGAHAN was the sole occupant of the vehicle. The stop was made on Interstate 95 southbound, in Chesterfield County, Virginia. Upon commencing the traffic stop, Trooper Grey observed McGAHAN making furtive movements in the area of the center console.

3. After approaching the vehicle, Trooper Grey asked McGAHAN for his driver's license. During this exchange, McGAHAN admitted his license was suspended in New

Hampshire and produced a glass smoking device with a plant substance packed inside, along with a plastic baggie of marijuana. After being placed under arrest for the marijuana, Trooper Grey read McGAHAN his Miranda rights. McGAHAN waived his Miranda rights and stated that there were more drugs in the trunk of his vehicle in a backpack. At this time, McGAHAN claimed ownership of everything in the vehicle.

4. Inside the backpack, Trooper Grey discovered blotter paper ("Item #1"), eleven bottles of suspected lysergic acid diethylamide ("Item #2"), green and brown plant material in containers ("Item #3"), white powder in several baggies ("Item #4"), cereal treats containing suspected marijuana, and digital scales. After waiving his Miranda rights a second time, McGAHAN explained to Trooper Grey that the liquid bottles contained LSD, the blotter paper was impregnated with LSD, the white powder was Ecstasy, the cereal treats contained hashish oil and marijuana. McGAHAN further admitted that he was headed to a rock concert in Florida and was going to sell his drugs there in a campground. He also stated that he had about \$20,000 in product.

5. Exhibit #1 was later submitted to the Virginia Department of Forensic Science for analysis and was determined to be over 100 pieces of blotter paper containing a designer drug 25I-NBOMe, not yet scheduled. Exhibit #2 was later submitted to the Virginia Department of Forensic Science for analysis and was determined to be 23.780 grams of lysergic acid diethylamide ("LSD"), a Schedule I controlled substance. Exhibit #3 was later submitted to the Virginia Department of Forensic Science for analysis and was determined to be over 59 grams of Marijuana, a Schedule I controlled substance. Exhibit #4 was later submitted to the Virginia Department of Forensic Science for analysis and was determined to be 60.7 grams of Methyldone,

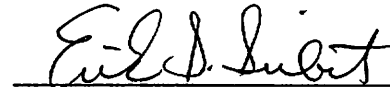
a Schedule I controlled substance.

6. The narcotics recovered in McGAHAN's vehicle were possessed by him with the intent to distribute and sell for profit. The lysergic acid diethylamide, marijuana, methyldone, and 25I-NBOMe, were not possessed by McGAHAN for personal use.

Respectfully submitted,

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

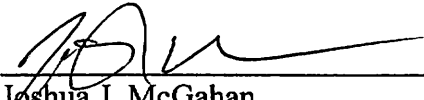
By:



Erik S. Siebert
Assistant United States Attorney

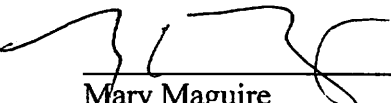
I have consulted with my attorney regarding this Statement of Facts. I knowingly and voluntarily agree that each of the above-recited facts is true and correct and that had this matter gone to trial the United States could have proven each one beyond a reasonable doubt.

8-27-12
Date


Joshua J. McGahan
Defendant

I am counsel for defendant, JOSHUA J. McGAHAN. I have carefully reviewed this Statement of Facts with him and, to my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision.

8/27/12
Date


Mary Maguire
Counsel for Defendant